

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY UNSELD WASHINGTON,	)	
	)	Civil Action No. 3:17-cv-00070
Plaintiff,	)	
	)	Judge Kim R. Gibson /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JONATHAN BARNHART, DR.	)	
ROBINSON, RICHARD IRWIN, MARK	)	ECF No. 76
MAYLE, DR. HUTCHINSON, J.	)	
STRAMAT, ANGELA JOHNSTON,	)	
ROXANNE PLAYSO, BRIAN P. HYDE,	)	
TESA ADELEKAN, B. COSTEA, LT.	)	
CINKO, J. R. MCDONNELL, M. J.	)	
FOSTER, K. TURNER, WILLIAM	)	
BOWERS, PHILLIP MAUST, HEIDI	)	
SROKA, ROBERT SNYDER, R.	)	
PESCHOCK, J. GIRONE, and ELLIS	)	
KAUFFMAN,	)	
	)	
Defendants.	)	

**ORDER ON MEDICAL DEFENDANTS' MOTION TO DISMISS**

Plaintiff initiated this action on April 28, 2017. Complaint (ECF No. 1.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 96), filed on August 1, 2019, recommended that the Medical Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 76, be granted in part and denied in part. More specifically, it was recommended that the Motion be (1) granted with prejudice as

it relates to Plaintiff's First Amendment free exercise of religion claim, and (2) denied as it relates to all other claims. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). No objections have been filed.

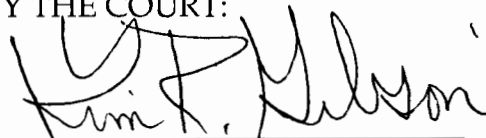
After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 27<sup>th</sup> day of September, 2019,

**IT IS HEREBY ORDERED** that the Medical Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 76, is (1) **GRANTED** with prejudice as it relates to Plaintiff's First Amendment free exercise of religion claim, and (2) **DENIED** as it relates to all other claims.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 96) of Magistrate Judge Lenihan, dated August 1, 2019, is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Henry Unseld Washington  
AM-3086  
S.C.I. Somerset  
1600 Walters Mill Rd  
Somerset, PA 15510  
*Via First Class U.S. Mail*

Counsel for Defendants  
*Via Electronic Mail*